

7 22/2007/010

**ERECTION OF WORKSHOP TO REAR OF THORNE HOUSE, HANDY CROSS,
LYDEARD ST LAWRENCE**

E- mail from applicant in support of application please find attached some examples of our furniture. As mentioned I was concerned that the objectors think that we are a large joinery concern and I hope that the attached illustrates that we are a 'craft' business producing pieces that are labour intensive, using 'hand skill', with minimal traffic, noise and dust pollution etc.

COUNTY HIGHWAY AUTHORITY comments omitted from report - If the Local Planning Authority are minded to granted consent I would recommend that a suitably worded condition is added to any resulting consent that restricts the use to the applicant and so that no general industrial/commercial/business use can be carried out from the site. In addition, I would not want the land/use split and used separately from the dwelling, in the event that either the business or dwelling changes ownership.

FURTHER LETTER ON BEHALF OF EXISTING OBJECTOR has been received raising the following further issues: contrary to advice in PPS7 and Taunton Deane Local Plan Policy S7 as the building is outside settlement limits and in open countryside, the business does not need to be located in the countryside - it could be located within a settlement; and the enterprise will not contribute to the rural economy any more than it does in Crowcombe; contrary to PPG4 in that the proposal does not constitute economic growth and if it did the environmental objectives of protecting the open countryside are not balanced, the proposal is not necessary development, a planning permission on the site will not be able to ensure only hand tools with the minimal use of motorised tools are used on the site; it promotes movement of materials from the sister site at Crowcombe which is contrary to sustainable development principles; does not employ staff at the site therefore insignificant economic generating use; contrary to Taunton Deane Local Plan Policy EC7 as it is not near a settlement, other suitable sites have not been assessed; dangerous access; final paragraph of County Highway Authority's comments was omitted from the committee report; suggest conditions of hours of operation on the site be restricted on Bank Holidays; working hours of 7.30 a.m. to 6 p.m. are intrusive; no conditions are proposed to control the use of external areas for open storage or working or for the parking and turning of vehicles; concern on the use of gravel on parking and turning area; ban of retail sales from the premises.

The existing noise emissions condition includes Sundays and Bank Holidays.

Additional conditions re: site to be restricted to this specific business use only, workshop to remain functionally attached to dwelling, no retail sales from the premises, no storage and no further windows.



ERECTION OF DWELLING ON LAND SOUTH OF 7 BLACKDOWN VIEW, NYNEHEAD AS AMENDED BY AGENTS LETTER DATED 26TH JUNE, 2007 AND 29TH JUNE, 2007 AND PLAN NOS. 0715 AND 0715/02A

COUNTY HIGHWAY AUTHORITY the appeal statement referred to is attached as an appendix. If permission is granted recommends the following conditions:- 1 The proposed accesses/parking/turning areas shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved by the Local Planning Authority. 2. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted. 3. There shall be no obstruction to visibility greater than 900 mm above adjoining road level forward of a line drawn 2.0m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times. 3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) the use of the garage hereby permitted shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation or other purpose whatsoever. 4. The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle crossover constructed across the footway fronting the site for the width of the access. 5. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved by the Local Planning Authority. Notes to Applicant:- Having regard to the powers of the Highway Authority under the Highways Act 1980 The applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Taunton Area Office, tel 0845 3459155. Application for such a Permit should be made at least three weeks before access works are intended to commence.

PARISH COUNCIL further comments that the garage extends beyond the existing building line.

2 FURTHER LETTERS OF OBJECTION have been received from the objectors raising the following issues:- rear garden is too small; planting proposed may not happen; area of land to rear may be included in future development.

Additional conditions requested by County Highway Authority.



Appeal Decision

Hearing & site visit held on 10 May 2007

by **Richard Merelie** MSc DipTP MRTPI

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Date: 21 May 2007

Appeal Ref: APP/Q3305/A/06/20276000

The Lawns, North Wootton, Shepton Mallet, Somerset, BA4 4HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr G Waters against the decision of Mendip District Council.
- The application Ref. 059888/014, dated 27 January 2006, was refused by notice dated 5 September 2006.
- The development proposed is the demolition of the existing dwelling and the redevelopment of the site with four dwellings and associated vehicular accesses, as amended by plans received on 10 May 2006.

Summary of Decision: The appeal is dismissed.

Procedural Matters & Background

1. At the hearing an application for costs was made by Mr G Waters against Mendip District Council. This application is the subject of a separate Decision.
2. The appellant confirmed that only the siting of the proposed dwellings and the means of access were the matters for approval at this stage. The Council's case officer dealing with the amended planning application recommended that it should be approved, subject to conditions
3. Planning permission was granted by the Council on 4 February 2004 for the erection of a detached bungalow and garage in the grounds of The Lawns using the existing vehicular access to the property, and the creation of a new vehicular access to serve The Lawns.
4. With regard to the appeal proposal, the vehicular access to the proposed dwellings on plots 1 and 2 would be the same as the new access serving the Lawns in the approved scheme. The proposed dwellings on plots 3 and 4 would be accessed from the existing access to The Lawns.

Main Issues

5. I consider the main issues in this appeal to be the effect of the proposal on the character and appearance of the locality and on the setting of Chapel Farm House, a Grade II Listed Building, and on the living conditions of neighbours. This reflects the Council's 2 reasons for refusal.
6. In addition, at the hearing, I raised the issues of sustainability and density, which were addressed in the case officer's report to Committee, but were not given as reasons for refusal. These matters have prominence in national planning policy guidance.

Planning Policy

7. The Development Plan for the area includes the Somerset and Exmoor National Park Joint Structure Plan Review, adopted 2000, and the Mendip District Local Plan, adopted 2002.
8. Structure Plan STR1 encourages sustainable development, and policy STR5 allows for development in villages commensurate with their size and accessibility.
9. Local Plan policy S1 identifies North Wootton as a village for settlement policy purposes where development commensurate with its size and accessibility will be permitted. Policy SN1 limits residential development in villages to conversions, infilling and small groups of houses. Policy EN26 resists development that would harm the setting of a Listed Building. Policy Q1 relates to design quality and amenity protection. Policy EN5 states that development will not be permitted if it would result in the loss of trees that contribute to the village scene.
10. Reference was also made to Planning Policy Statements 1 and 3 and to PPG15.

Reasons

Sustainability and density

11. The appeal site lies within the defined development limits of the small village of North Wootton, and the proposed development would amount to a small group of houses. In principle, therefore, the proposal would generally accord with Local Plan policies S1 and SN1.
12. However, North Wootton has few facilities and services. That is a church, a pub and a village hall. There is no shop, school or post office. And there are no bus services at all serving the village, which is accessed by narrow country lanes. The nearest settlements of any size, Shepton Mallet, Wells and Glastonbury, are some distance away.
13. In my assessment, therefore, future occupants of the proposed dwellings would be dependent on the private car for most journeys, a view shared by Somerset County Council in its letter of 10 March 2006 to Mendip District Council and by the case officer in his report to Committee. Further, provision is made within the proposed layout for each new dwelling to have a double garage.
14. The case officer went on to conclude that the policy presumption in favour of residential development on previously developed land within the village development limits outweighed the unsustainable location of the appeal site in transport terms. Basically, I disagree, given the particularly high degree of car dependence that would arise and the distances involved to such services and facilities as employment, education, health and retail.
15. Consequently, the proposal would conflict in general with Structure Plan STR1, and with Structure Plan STR5 and Local Plan policy S1 regarding accessibility.
16. I recognise that the proposal would make more efficient use of what is defined as previously developed land. However, the appeal proposal would result in a density of only 20 dwellings per hectare. Whereas the national indicative minimum advised by PPS3:

Housing, November 2006, is 30dph, until local density policies are in place. Densities below this minimum will need to be justified.

17. PPS3 also advises that the density of existing development should not dictate that of new housing, and it calls for imaginative design and layout. In this respect, I note that the low density of 20dph would be achieved by the erection of 4 detached, 4 bedroom houses each with a double garage, all of which take up a fair amount of land.
18. From the evidence, I am not persuaded that a higher density than that proposed could not have been achieved without seriously compromising the local environment. So had the appeal site been in a sustainable location for additional housing, I would have concluded that the proposed low density would have weighed against the proposal.
19. Overall, I conclude that the proposal would conflict with the Development Plan in respect of sustainability and that this outweighs the general presumption in favour of residential development in this location.

Character and appearance - setting of Chapel Farm House

20. The morphology plan of historic development in the village, submitted by the appellant, emphasises the essentially linear pattern of buildings along the roads in the vicinity of the appeal site. In contrast, the proposed development would be in-depth to the road frontages of this prominent corner site.
21. Further, most of the buildings in the vicinity of the appeal site are set back from the roadside. Only parts of a few buildings abut the highway. The eastern gable end of the proposed dwelling on plot 2 would reflect these characteristics. However, the full width of the proposed dwelling on plot 3 would be adjacent or almost adjacent to the highway, at variance with the predominant character of the locality.
22. Several of the existing buildings have fairly spacious plots, unlike the proposed dwellings which would have rather small gardens. Given the close juxtaposition of the proposed buildings to each other, the layout would look somewhat cramped. In addition, double garages, 4 of which are proposed, are not general characteristic features of this part of the village.
23. There would also be extensive hard surfaced courtyard areas, which would result in a rather urban appearance, at odds with the semi-rural qualities of this part of the village. Removal of the high conifer hedge along the roadside boundaries of the site would also erode the green aspect of the locality, and result in the proposed development being more visually intrusive.
24. Moreover, the proposal would result in the loss of the 2 sizeable weeping willow trees located close to the southern boundary of the site. They make a significant contribution to the village scene, and their amenity value was recognised by the case officer in his report to Committee. Whilst the trees may need some maintenance from time to time, not least owing to their proximity to phone and electric wires, I do not believe that this would justify their removal as part of the appeal proposal.
25. As to the effect of the proposal on the setting of Chapel Farm House, the proposed dwelling on plot 3 would lie directly opposite this Listed Building and, as already mentioned, would effectively abut the highway. The proposed dwelling would therefore be imposing in the

“street scene”, and would compete visually with the Listed Building. In effect, it would create a sense of enclosure, which is the intended purpose of the proposed design.

26. This would be in contrast to the existing setting of the northern side of Chapel Farm House, which is dominated by the tall conifer hedge opposite, on the southern boundary of the appeal site. This provides a simple green foil to the building, which has an attractive large gabled extension, with a sizeable tall window, abutting the highway.
27. From the above and judging from my observations, I am drawn to conclude that the proposal would harm, rather than respect, the character and appearance of the locality, and would harm, rather than preserve, the setting of Chapel Farm House. Consequently, the proposal would be contrary to the relevant provisions of the Development Plan.

Living conditions

28. The Council’s main concern, as outlined in its hearing statement, was that it was not possible at outline stage to determine whether the proposal would result in a loss of privacy to the occupants of Cobblestones and Brook House, to the south and east of the appeal site respectively.
29. However, after some discussion of this issue at the hearing, the Council conceded that it would be possible to protect these neighbours’ properties from any significant overlooking by the imposition of appropriate conditions relating to window types and positions. I agree. Similarly, such amenities of the occupants of Chapel Farm House, next to Cobblestones, could be protected.
30. That said, I acknowledge that the outlook from Brook House and Chapel Farm House would change from views of the tall conifer boundary hedge and the willow trees to views of the proposed dwellings on plots 2 and 3 respectively. However, I do not believe that the aspect from these 2 properties would so seriously harmed as to justify refusal.
31. On balance, I am led to conclude that the proposal would not materially harm neighbours’ living conditions, and would not therefore conflict with Local Plan policy Q1 in this respect.

Conclusion

32. For the reasons given above and having regard to all other matters raised, including the full range of suggested conditions, and the questions of highway safety and drainage, I conclude that the appeal should be dismissed.

Formal Decision

33. I dismiss the appeal.

Richard Merelie

Inspector

9 **38/2007/208**

**CONVERSION AND EXTENSION OF DWELLING TO FORM 5 FLATS AT 1
PETER STREET, TAUNTON**

1 FURTHER LETTER OF OBJECTION has been received from objector reiterating the following issues:- Environmental Health Officer has contacted owners of No. 60 Cheddon Road (Lazerpoint) and gave notice that they must clear up the piles of stinking rubbish left rotting in the front garden of the property.

10 **38/2007/258**

**CHANGE OF USE OF BUILDING TO DENTAL SURGERY AND LABORATORY
AND ERECTION OF TWO STOREY EXTENSION AT 4 MOUNTFIELDS ROAD,
TAUNTON AS AMENDED BY AGENTS LETTERS DATED 19TH JUNE, 2007
AND 11TH JULY, 2007 WITH ACCOMPANYING PLANS**

Amended plans have been received which reduce the size of the windows, restrict the opening distance and obscure glazing to avoid overlooking.

NATURE CONSERVATION AND WILDLIFE OFFICER suggests conditions of bats, birds, further survey work and note re protected species.

1 ADDITIONAL LETTER OF OBJECTION has been received raising the following issues:- the 2 large windows at ground floor and first floor would overlook neighbour these should be replaced with smaller obscure glazed windows; the existing trees are old and will not landscape the extension when removed, the extension will only be 8m away from the neighbouring boundary.

Additional conditions re bats, birds and further survey work.

Additional Note re protected species.

11 **38/2007/284**

RETENTION OF BLOCK OF 10 FLATS AND ASSOCIATED PARKING AND WORKS AT BRITISH RED CROSS CENTRE, WILTON STREET, TAUNTON (REVISED SCHEME 38/2005/160)

As amended by agent's letter dated 16 July 2007 and plan No. 512/06/014E.

1 ADDITIONAL LETTER OF OBJECTION has been received raising the following issues; the building does not conform to the existing planning permission, no mature trees have been planted around the site so there is no softening when viewed from properties to the rear.

Copies to:

CHAIR/NTN/TB/JM/CDW/AG/DA/JH/KM/JLH/IC/TAB/CJW/HM/H&L/RWF/
Planning Reception/JJ/RB/17 Committee Members/15 Public